

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NOVO NORDISK A/S,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-645-SLR
)	
SANOFI-AVENTIS, AVENTIS)	
PHARMACEUTICALS INC., and AVENTIS)	
PHARMA DEUTSCHLAND GMBH,)	
)	
Defendants.)	

PROPOSED ORDER OF DISMISSAL

After considering Aventis's Response to Novo Nordisk A/S's Motion to Voluntarily Dismiss the Complaint and to Dismiss Defendants' Counterclaims for Lack of Subject Matter Jurisdiction, and Defendants' response thereto, IT IS HEREBY:

- (1) ORDERED that the Complaint and all of Plaintiff's claims against Defendants be dismissed with prejudice;
- (2) ORDERED that Defendants' counterclaims against Plaintiff be dismissed without prejudice;
- (3) ORDERED that Defendants are declared the prevailing party for purposes of costs under Fed. R. Civ. P. 54(d)(1) and attorney fees under 35 U.S.C. § 285;
- (4) ORDERED that Defendants shall have 10 days from entry of this Order to file a bill of costs in accordance with L.R. 54.1; and
- (5) ORDERED that Defendants shall have 14 days from entry of this Order to file a motion for attorney fees in accordance with Fed. R. Civ. P. 54(d)(2)(B).

SO ORDERED this ____ day of _____ 2007.

United States District Judge